

REMARKS

I. Introduction

This paper is filed in response to the non-final Office Action mailed October 16, 2008. Claims 1 and 23 are amended. Claims 7-22, 24, and 25 are cancelled. Claims 29-36 are added. No new matter has been added. After entry of the amendments, claims 1 - 4, 6, 23, 26, 28, and 29-36 are pending.

Assignee traverses each of the rejections. Reconsideration and allowance of all pending claims is respectfully requested in view of the remarks below.

II. Rejection under 35 U.S.C. § 112, ¶ 2

The Office Action rejected claims 1 - 4, 6, 23, 26 and 28 under 35 U.S.C. § 112, ¶ 2, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, the Office Action contended the claims needed to be amended to specify that generating the credit score based on the credit history data and the consumer-related records associated with the consumer and to clarify whether the explanatory statement is based on the consumer related record. The Office Action stated such amendments would overcome this rejection and assist in overcoming the prior art.

Claim 1 is amended per the suggestion in the Office Action to recite, “generating a summary report of personalized credit-related information based on the credit history data and the consumer-related record associated with the consumer, the summary report including a credit score and an explanatory statement suggesting at least one step to improve the credit

score, wherein the explanatory statement suggesting at least one step to improve the credit score is based on the credit history data and the consumer-related record associated with the consumer.” Accordingly, Assignee submits that claims 1 - 4, 6, 23, 26 and 28 are patentable under 35 U.S.C. § 112, ¶ 2. Withdrawal of the rejection is kindly requested.

III. Rejection under 35 U.S.C. § 103(a)

The Office Action rejected claims 1 - 4, 6, 23, 26 and 28 under 35 U.S.C. § 103(a) over the combination of U.S. Patent No. 6,405,181 to Lent *et al.* (“Lent”) U.S. Patent No. 6,311,169 to Duhon (“Duhon”) and “A Home Remedy for Bad Credit” (hereinafter “CCM”).

The Assignee and undersigned thank the Examiner for his Response to Arguments that includes an explanation of his interpretation of the art of record. Although the Assignee does not agree that CCM (and thus the combination of cited art) teaches or suggests all that the Office Action contends or that one of ordinary skill would have reason to make the combination as the Office Action proposed,¹ claim 1 is amended and the Assignee respectfully submits that amended claim 1 is patentable in view of the art of record and the Office Action’s interpretation of the art of record.

Specifically, claims 1 - 4, 6, 23, 26 and 28 are patentable because the combination of Lent, Duhon, and CCM fails to teach or suggest each element of claims 1 - 4, 6, 23, 26 and 28. For example, the combination of Lent, Duhon, and CCM, and the combination as interpreted by the Office Action, fails to teach or suggest “generating a summary report of

¹ See *e.g.*, Response filed July 31, 2008.

personalized credit-related information based on the credit history data and the consumer-related record associated with the consumer, the summary report including a credit score and an explanatory statement suggesting at least one step to improve the credit score, wherein the explanatory statement suggesting at least one step to improve the credit score is based on the credit history data and the consumer-related record associated with the consumer,” as recited in claims 1 - 4, 6, 23, 26 and 28. A link to a credit-counseling website, as purportedly disclosed by Lent, is not “an explanatory statement suggesting at least one step to improve the credit score” based on “the credit history data and the consumer-related record associated with the consumer.” Furthermore, the step-by-step instructions purportedly disclosed in CCM, even if the Office Action is correct that the instructions are provided based on the user having poor credit records and these credit records are credit history data, is not an explanatory statement based on a consumer-related record associated with the consumer. Finally, as recognized by the Office Action, Duhon fails to disclose or suggest these elements.

Accordingly, at least because the combination of Lent, Duhon, and CCM fails to disclose or suggest each element recited in claims 1 - 4, 6, 23, 26 and 28, the Assignee submits these claims are patentable and kindly requests allowance of claims 1 - 4, 6, 23, 26 and 28.

IV. New Claims 29-36

New claims 29-36 are computer-readable memory claims that recite similar elements as those recited in 1 - 4, 6, 23, 26 and 28. Reasons for allowance of claims 1 - 4, 6, 23, 26 and 28 are provided above. For at least those same reasons, the Assignee submits claims 29-36 are patentable and kindly requests allowance of claims 29-36.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action of October 16, 2008. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an amendment, please call 404 745-2520. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,

/Jason D. Gardner 58180/
Jason D. Gardner
Reg. No. 58,180
Attorney for the Assignee

DATE: January 16, 2009

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia, 30309-4530
404 745-2520 (direct)
404 541 4619 (direct fax)